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**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Jennifer Meade, individually, on behalf of  
all others similarly situated, and on behalf  
of the general public

Plaintiff,

v.

Advantage Sales & Marketing, LLC,  
Advantage Sales & Marketing, Inc.,  
Retail Store Services, LLC, and  
KSRSS, Inc.

Defendants.

**Case No.: C-07-5239-SI**

**JOINT STIPULATION AND PROPOSED  
ORDER FOR CONDITIONAL CLASS  
CERTIFICATION AND JUDICIAL NOTICE**

Date: June 13, 2008

Judge: Hon. Susan Illston

Date Action Filed: October 12, 2007

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28 KSRSS, INC.

1 The parties, by and through their counsel of record, submit this Stipulation and Joint Proposed  
2 Order for Conditional Class Certification and Court-Authorized Notice.

3 WHEREAS, the parties held a series of telephone conferences in June 2008 and  
4 thereafter exchanged e-mails resulting in the parties within agreement to conditionally certify the  
5 below defined class, without prejudice to any parties' right to subsequently move to decertify said  
6 class, and send court-approved notice to be issued to these allegedly similarly situated class  
7 members, subject to the terms described in the Order below:

8 **IT IS HEREBY ORDERED THAT:**

9 1. The following class is conditionally certified under 29 U.S.C. § 216(b) of the Fair  
10 Labor Standards Act (FLSA):

11 All persons who are or have been employed by Defendant Retail Store Services LLC  
12 ("RSS LLC") or Retail Store Services, Inc., ("RSS, Inc."; now Defendant KSRSS, Inc.) as  
13 a Merchandising Representative, and who were classified as exempt employees under the  
14 FLSA, at any time within three years prior to this action's filing date through the date of  
15 final disposition of this action.

16 2. The Court shall authorize and approve judicial notice to potential opt-ins to inform  
17 them of the action and to give them an opportunity to join this action by opting in. The Notice  
18 shall be issued within three (3) business days of Plaintiffs' counsel receiving the list described in  
19 Paragraph 4 below. The form of the Notice of Pendency of Lawsuit ("Notice") and Plaintiff  
20 Consent Form shall be in the same form as those attached as Exhibit A.

21 3. Plaintiffs' counsel, Nichols Kaster & Anderson, PLLP, in Minneapolis,  
22 Minnesota shall mail the Notice via first-class U.S. Mail, and shall bear the costs of mailing.

23 4. Defendants RSS LLC and RSS, Inc. (now Defendant KSRSS, Inc.) shall each use  
24 their best efforts to provide Plaintiff's counsel with a list no later than twenty (20) days after  
25 service of the Court's Order regarding this stipulation, in electronic format, (i.e., Microsoft Excel  
26 (.xls), or Symbolic Link (SYLK(.slk)), of all persons employed by it who are or have been  
27 employed as a Merchandising Representative, and who were classified as exempt employees  
28 under the FLSA, from three years prior to this action's filing date to present, including their

1 name, most recent known address, dates of employment as a Merchandising Representative,  
 2 states where employed, and the last four digits of their social security number or their dates of  
 3 birth.

4 5. There shall be a ninety (90) day notice period for opting into this lawsuit. Plaintiff  
 5 Consent Forms post-marked later than 90 days after the Notice is mailed by Plaintiffs' counsel,  
 6 are not timely, and the individuals sending such untimely Consents shall not be eligible to join  
 7 this lawsuit.

8 6. Those persons who have heretofore filed or shall hereafter file a Consent Form  
 9 seeking to opt-in to this action and who were not employed by Retail Store Services, Inc. or  
 10 Retail Store Services LLC as a Merchandising Representative and classified as exempt under the  
 11 FLSA within the three year period prior to the filing of this action are ineligible to become  
 12 members of the within conditionally certified class and their Consent Form(s) and respective  
 13 Notice(s) shall be without any force or effect, they are not parties to this action and their Consent  
 14 Form(s) shall be deemed to have been withdrawn.

15  
 16 Dated: 6/13/2008

s/Matthew H. Morgan

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9 Dated: 6/13/2008

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ATTORNEYS FOR DEFENDANT KSRSS, INC.

17 **IT IS SO ORDERED.**

18 Dated:

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\_\_\_\_\_  
The Hon. Susan Illston  
U.S. District Court Judge